

REMARKS

Claims 1-28 are pending in the application. No amendments to the Claims have been made. Reconsideration of the Claims is respectfully requested.

I. REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-8 and 13-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Watts (US Patent No. 6,587,842). These rejections are respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Applicant respectfully submits that *Watts* does not teach (expressly or inherently) at least the following features found in independent Claim 1 (similar features can be found in independent Claim 13): (1) “*retrieving a waveform ... and downloading said waveform*” (emphasis added); and (2) “*downloading said waveform ... under condition that said at least one code matches said at least one key.*”

Watts teaches downloading computer software applications (programs) and associated files (see *Abstract* and *Col. 4, Lines 14-18*). This is not a teaching of the claimed waveform. As is known in the art and described in the present specification on page 2, line 12 through page 3, line 8, a waveform is digital data that is to be converted into an analog signal. Thus, a reference teaching downloading computer software applications does not teach or suggest any mechanism for retrieving and downloading waveforms.

In addition, it is noted that *Watts*' teaching concerning distribution of software products by downloading found at Col. 7, line 34 through Col. 11, line 20 relates to the physical distribution of software applications on copyable media, and thus does not anticipate the downloading recited in Claims 1-8 and 13-24. Furthermore, *Watts* teaches that the software products are downloaded first, and that security checking is performed by the customer's equipment, after the product download has already occurred. This approach is apparent from Col. 7, lines 43-49, Col. 8, lines 60-65 and Col. 9, line 66 through Col. 10, line 2. Thus, in *Watts*, the downloading is not performed under condition that the security check matches. As a result, *Watts* does not teach or suggest downloading "*under condition that said at least one code matches said at least one key*," as is claimed in the present application.

Therefore, Applicants respectfully submit that *Watts* does not teach each and every element of Claims 1-8 and 13-24 arranged as they are in the claims. Accordingly, the Applicant respectfully requests that the Examiner withdraw the § 102(e) rejections of Claims 1-8 and 13-24.

II. REJECTIONS UNDER 35 U.S.C. § 103

Claims 9 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Watts* in view of *Reitmeier* (US Patent No. 6,560,285), and Claims 10-12 and 26-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Watts* in view of *Rajsuman* (US Patent No. 5,963,566). These rejections are respectfully traversed.

The aforementioned Claims 9-12 and 25-28 recite all of the exemplary features discussed above with respect to the rejections of Claims 1-8 and 13-24. Both *Reitmeier* and *Rajsuman* fail to remedy the above-described deficiencies of *Watts*, so the rejections of Claims 9-12 and 25-28 are overcome for at least the same reasons given above with respect to the rejections of Claims 1-8 and 13-24.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejections of Claims 9-12 and 25-28.

III. CONCLUSION

Thus, all grounds of rejection and/or objection are traversed or accommodated, and favorable reconsideration and allowance are respectfully requested. Should the Examiner have any further questions or comments facilitating allowance, the Examiner is invited to contact Applicant's representative indicated below to further prosecution of this application to allowance and issuance.

Respectfully submitted,

ANDREW CAMINSCHI

Dated: 8/23/2005

By Holly L. Rudnick
Holly L. Rudnick
Registration No. 43,065

Garlick, Harrison & Markison, LLP
P.O. Box 670007
Dallas, Texas 75367
(Direct) (214) 387-8097
(Fax) (214) 387-7949
(Email) hrudnick@texaspatents.com